



B) 1652  
850

New Attorney Docket No. RDYN.MRS.09.US  
Old Attorney Docket No. P31353

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	HODGSON, ET AL.	)	
SERIAL NO.:	08/785,455	)	EXAMINER: KERR, K. M.
FILED:	JANUARY 17, 1997	)	ART UNIT: 1652
TITLE:	POLYNUCLEOTIDES ENCODING METHIONYL TRNA SYNTHETASE FROM STAPHYLOCOCCUS AUREUS, RELATED PRODUCTS AND METHODS (as amended)	)	CONF. NO.: 4038

Mail Stop Patent Ext.  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.181 TO REVIEW PATENT TERM EXTENSION (PTE)  
CALCULATION UNDER 37 C.F.R. § 1.701**

Sir:

A notice of allowance was mailed in the above-captioned application on December 29, 2004. This petition was therefore due on February 28, 2005. Due to a docketing error, however, it was believed that the petition was not due until March 29, 2005. Applicant requests that this error be overlooked in view of the error in calculating PTE for this application.

37 C.F.R. § 1.701(a)(1) indicates that a patent filed on or after June 8, 1995 and before May 29, 2005 is entitled to extension of the patent term if the issuance of the patent was delayed due to interference proceedings under 35 U.S.C. 135(a). 37 C.F.R. § 1.701(c)(1)(2) states that the period of delay under paragraph (a)(1) of this section for an application is the sum of the following periods, to the extent that the periods are not overlapping, and includes the number of days, if any, in the period beginning on the date prosecution in the application was suspended by

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37 CFR 1.8

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Patent Ext., Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 3/23/05

Signature: Tasha L. Pierce

Name: Tasha L. Pierce

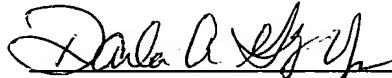
the Patent and Trademark Office due to interference proceedings under 35 U.S.C. 135(a) not involving the application and ending on the date of the termination of the suspension.

According to the PTE calculation as indicated on the PALM intranet printout provided to the Applicant by the Examiner, the term of the patent has been calculated at 668 days based on the letter of suspension being mailed due to an interference in another application. Applicant understands 37 C.F.R. § 1.701(c)(1)(ii) to require an suspension due to an actual interference not involving the application. A review of the file, however, indicates that prosecution was suspended due to only a potential interference in another case (see enclosed papers). In this case, the application would not be entitled to any patent term extension, and the total PTE should be zero days. Applicant therefore requests that the PTE be adjusted to zero days.

It is believed that no fee is due with this petition; however, the undersigned hereby authorizes the any fees created by the filing of this document or to be charged to deposit account No. 19-5117.

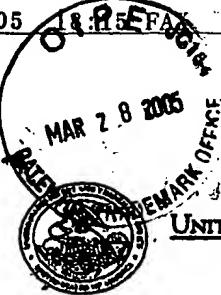
Respectfully submitted,

Date: March 23, 2005

  
\_\_\_\_\_  
Darla G. Yoerg, #48,057  
Swanson & Bratschun, L.L.C.  
1745 Shea Center Drive, Suite 330  
Highlands Ranch, Colorado 80129  
Telephone: (303) 268-0066  
Facsimile: (303) 268-0065

Enclosures

S:\CLIENTFOLDERS\REPLIDYNE\MRS09US.1\PETITION PTE.DOC



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/785,455	01/17/1997	JOHN E. HODGSON	P31353	4038

25308 7590 12/18/2001

DECHERT

ATTN: ALLEN BLOOM, ESQ  
 4000 BELL ATLANTIC TOWER  
 1717 ARCH STREET  
 PHILADELPHIA, PA 19103

EXAMINER

KERR, KATHLEEN M

ART UNIT	PAPER NUMBER
1652	

DATE MAILED: 12/18/2001

22

Please find below and/or attached an Office communication concerning this application or proceeding.



## UNITED STATES DEPARTMENT OF COMMERCE

## Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR/ PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

22

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

## Commissioner of Patents and Trademarks

All claims are allowable. However, due to a potential interference, ex parte prosecution is SUSPENDED.

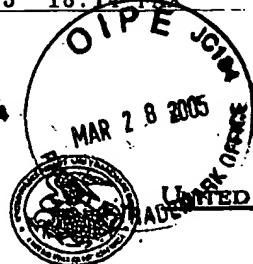
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Kerr whose telephone number is (703) 305-1229. The examiner can normally be reached on Monday through Friday, from 8:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathupura Achutamurthy can be reached on (703) 308-3804. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-0294 for regular communications and (703) 305-3014 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

*MPW*  
MICHAEL P. WOODWARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1800

KMK  
December 17, 2001



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/785,455	01/17/1997	JOHN E. HODGSON	P31353	4038
25308	7590	01/14/2003		

DECHERT  
 ATTN: ALLEN BLOOM, ESQ  
 4000 BELL ATLANTIC TOWER  
 1717 ARCH STREET  
 PHILADELPHIA, PA 19103

EXAMINER

KERR, KATHLEEN M

ART UNIT

PAPER NUMBER

1652

DATE MAILED: 01/14/2003

23

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

APPLICATION NO. CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

EXAMINER

ART UNIT      PAPER

23

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

All claims are allowable. However, due to a potential interference, ex parte prosecution is SUSPENDED FOR A PERIOD OF 6 MONTHS from the date of this letter. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Kerr whose telephone number is (703) 305-1229. The examiner can normally be reached on Monday through Friday, from 8:30am to 5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathupura Achutamurthy can be reached on (703) 308-3804. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

KMK  
January 10, 2003

A handwritten signature in black ink, appearing to read 'Bruce Kisliuk'.

BRUCE KISLIUK, DIRECTOR  
TECHNOLOGY CENTER 1600



# UNITED STATES - DEPARTMENT OF COMMERCE

## Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/785,465	01/17/97	HODGSON	3 P31363

CRYTHKL LINE REECHAN CORPORATION  
CORPORATE INTELLECTUAL PROPERTY UW2220  
P O BOX 1539  
KING OF PRUSSIA PA 19406-0939

DOCKETED

HR12/0523

EXAMINER

HODGSON, L.

ART UNIT	PAPER NUMBER
1662	19

DATE MAILED: 03/23/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

RECEIVED

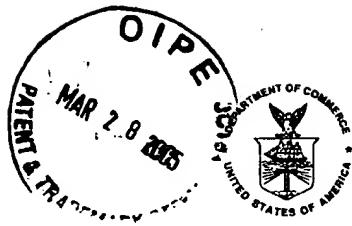
MAR 31 1999

RJB

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APR - 2 1999

T.S.D.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

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EXAMINER	
ART UNIT	PAPER NUMBER
10	

b

DATE MAILED:

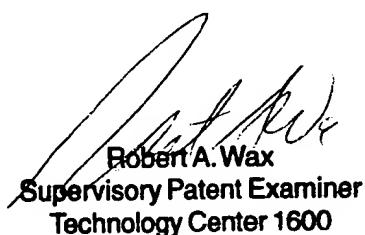
Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

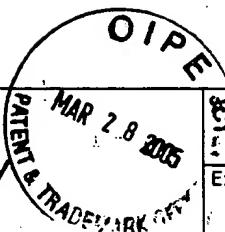
1. All claims are allowable. However, due to a potential interference, *ex parte* prosecution is SUSPENDED.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa J. Hobbs whose telephone number is (703) 308-6573.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Wax, can be reached on (703) 308-4216. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3014 or (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1234.



Robert A. Wax  
Supervisory Patent Examiner  
Technology Center 1600

**Interview Summary**

Application No. 08/785,445	Applicant(s) Hodgson et al.
Examiner Robert A. Wax	Group Art Unit 1652
	

All participants (applicant, applicant's representative, PTO personnel):

(1) Robert A. Wax (3) \_\_\_\_\_

(2) Thomas S. Deibert (4) \_\_\_\_\_

Date of Interview Mar 15, 1999

Type:  Telephonic  Personal (copy is given to  applicant  applicant's representative).

Exhibit shown or demonstration conducted:  Yes  No. If yes, brief description:

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Agreement  was reached.  was not reached.

Claim(s) discussed: all of record

Identification of prior art discussed:

none

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Mr. Deibert was informed that all claims are allowable but, due to a potential interference, prosecution is suspended.

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(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1.  It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2.  Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.